

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	TELEPHONE NO.:	FOR COURT USE ONLY
ESTATE OF (NAME): <div style="text-align: right;">DECEDENT</div>		CASE NUMBER: HEARING DATE: DEPT.: TIME:
SPOUSAL PROPERTY PETITION		

1. **Petitioner (name):**

requests

- a. ☐ determination of property passing to the surviving spouse without administration (Probate Code, § 13500).
- b. ☐ confirmation of property belonging to the surviving spouse (Probate Code, §§ 100 and 101).
- c. ☐ this petition be joined with the petition for probate or administration of the decedent's estate.
- d. ☐ immediate appointment of a probate referee.

2. Petitioner is

- a. ☐ surviving spouse of the decedent.
- b. ☐ personal representative of (name): _____, surviving spouse.
- c. ☐ guardian of the estate or conservator of the estate of (name): _____, surviving spouse.

3. Decedent died on (date):

- a. ☐ a resident of the California county named above.
- b. ☐ a nonresident of California and left an estate in the county named above.
- c. ☐ intestate ☐ testate and a copy of the will and any codicil is affixed as attachment 3c or 6d. (Attach will.)

4. a. (Complete in all cases) The decedent is survived by

- (1) ☐ child as follows: ☐ natural or adopted ☐ natural adopted by a third party ☐ step ☐ foster
☐ no child
- (2) ☐ issue of a predeceased child ☐ no issue of a predeceased child

- b. Petitioner ☐ has no ☐ has actual knowledge of facts reasonably giving rise to a parent-child relationship under Probate Code section 6408(b).
- c. ☐ All surviving children and issue of predeceased children have been listed in item 7.

5. (Complete only if no issue survived the decedent. Check **only** the **first** box that applies.)

- a. ☐ The decedent is survived by a parent or parents who are listed in item 7.
- b. ☐ The decedent is survived by a brother, sister, or issue of a deceased brother or sister, all of whom are listed in item 7.

- 6. a. Administration of all or part of the estate is not necessary for the reason that all or a part of the estate is property passing to the surviving spouse.
- b. ☐ The legal description of the deceased spouse's property that petitioner requests to be determined as passing to the surviving spouse is set forth in attachment 6b,¹ and includes the trade or business name of any unincorporated business or an interest in any unincorporated business the deceased spouse was operating or managing at the time of death.
- c. ☐ The legal description of the community or quasi-community property petitioner requests the court to confirm to the spouse as belonging to the surviving spouse under Probate Code sections 100 and 101 is set forth in attachment 6c.
- d. The facts upon which the petitioner bases the allegation that the property described in attachments 6b and 6c is property that should pass or be confirmed to the surviving spouse are stated in attachment 6d.²

(Continued on reverse)

ESTATE OF (NAME): <div style="text-align: right; padding-top: 10px;">DECEDENT</div>	CASE NUMBER:
--	--------------------------

7. The names, relationships, ages, and residence or mailing addresses of all persons checked in items 4 or 5 and all other heirs and devisees of the decedent, so far as known to petitioner, **including** stepchild and foster child heirs and devisees to whom notice is to be given ☐ are listed below ☐ are listed in attachment 7.

NAME AND RELATIONSHIP	AGE	RESIDENCE OR MAILING ADDRESS
-----------------------	-----	------------------------------

8. The names and address of all persons named as executors in the decedent's will or appointed as personal representatives ☐ are listed below ☐ are listed in attachment 8 ☐ none.

9. ☐ The personal representative is the trustee of a trust that is a devisee under decedent's will. The names and addresses of all persons interested in the trust who are entitled to notice under Probate Code section 13655(b)(2) are listed in attachment 9.

10. A petition for probate or for administration of the decedent's estate
- a. ☐ is being filed with this petition and published notice will be given.
 - b. ☐ was filed on *(date)*:
 - c. ☐ has not been filed and is not being filed with this petition.

11. ☐ Number of pages attached:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

. (TYPE OR PRINT NAME)	 (SIGNATURE OF PETITIONER)
-----------------------------------	-------------------------------

¹ See Probate Code, § 13658 for required filing of a list of known creditors of a business and other information in certain instances. If required, include in attachment 6b.
² See Probate Code, § 13651(b) for the requirement that a copy of the will be attached in certain instances. If required, include in attachment 3c or 6d.